

## NOTICES OF PROPOSED RULEMAKING

Unless exempted by A.R.S. § 41-1005, each agency shall begin the rulemaking process by first submitting to the Secretary of State's Office a Notice of Rulemaking Docket Opening followed by a Notice of Proposed Rulemaking that contains the preamble and the full text of the rules. The Secretary of State's Office publishes each Notice in the next available issue of the *Register* according to the schedule of deadlines for *Register* publication. Under the Administrative Procedure Act (A.R.S. § 41-1001 et seq.), an agency must allow at least 30 days to elapse after the publication of the Notice of Proposed Rulemaking in the *Register* before beginning any proceedings for making, amending, or repealing any rule. (A.R.S. §§ 41-1013 and 41-1022)

### NOTICE OF PROPOSED RULEMAKING

#### TITLE 9. HEALTH SERVICES

#### CHAPTER 22. ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM ADMINISTRATION

##### PREAMBLE

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| <b><u>1. Sections Affected</u></b><br>R9-22-714 | <b><u>Rulemaking Action</u></b><br>Amend |
|---|--|
- 2. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**  
Authorizing statute: A.R.S. § 36.2903.01  
Implementing statute: A.R.S. § 36.2904
- 3. A list of all previous notices appearing in the Register addressing the proposed rule:**  
Notice of Rulemaking Docket Opening: 9 A.A.R. 138, January 17, 2003
- 4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**  
Name: Barb Ledder, Federal and State Policy Manager  
Address: AHCCCS  
Office of Policy Analysis and Coordination  
801 E. Jefferson, Mail Drop 4200  
Phoenix, AZ 85034  
Telephone: (602) 417-4580  
Fax: (602) 256-6756
- 5. An explanation of the rule, including the agency's reasons for initiating the rule:**  
AHCCCS is proposing the addition of rule language to further clarify reimbursements to providers.
- 6. A reference to any study relevant to the rule that the agency reviewed and either proposes to rely on in its evaluation of or justification for the rule or proposes not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**  
Not applicable
- 7. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**  
Not applicable
- 8. The preliminary summary of the economic, small business, and consumer impact:**  
AHCCCS anticipates a nominal impact on interested parties.

*Arizona Administrative Register*  
**Notices of Proposed Rulemaking**

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**9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:**

Name: Barb Ledder, Federal and State Policy Manager

Address: AHCCCS  
Office of Policy Analysis and Coordination  
801 E. Jefferson, Mail Drop 4200  
Phoenix, AZ 85034

Telephone: (602) 417-4580

Fax: (602) 256-6756

Proposed rule language will be available on the AHCCCS web site ([www.ahcccs.state.az.us](http://www.ahcccs.state.az.us)) on January 31, 2003. Please send written comments to the above address by 5:00 p.m., March 6, 2003. E-mail will not be accepted.

**10. The time, place, and nature of the proceedings for the making, amendment, or repeal of the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:**

Date: March 6, 2003

Time: 1:00 p.m.

Location: AHCCCS  
701 E. Jefferson  
Phoenix, AZ 85034  
Gold Room, 3rd Floor

Nature: Public Hearing

Date: March 6, 2003

Time: 1:00 p.m.

Location: ALTCS: Arizona Long-Term Care System  
110 S. Church, Suite 3250  
Tucson, AZ 85701

Nature: Video Conference Oral Proceeding

Date: March 6, 2003

Time: 1:00 p.m.

Location: ALTCS: Arizona Long-Term Care System  
3480 E. Route 66  
Flagstaff, AZ 86004

Nature: Video Conference, Oral Proceeding

**11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:**

None

**12. Incorporations by reference and their location in the rules:**

None

**13. The full text of the rules follows:**

TITLE 9. HEALTH SERVICES

CHAPTER 22. ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM  
ADMINISTRATION

ARTICLE 7. STANDARD FOR PAYMENTS

Section  
R9-22-714.      Payments to Providers

ARTICLE 7. STANDARD FOR PAYMENTS

**R9-22-714.      Payments to Providers**

- A.** Provider agreement. As a prerequisite for receiving reimbursement by the Administration or a contractor for a covered ~~services~~ service provided to a member, a provider shall sign a provider agreement with the Administration that establishes the terms and conditions of participation and payment under A.R.S. § 36-2904.
- B.** Exception. Subsection (A) ~~This subsection~~ does not apply to reimbursement of an emergency services service and or a services service provided during PPC under Article 2 of this Chapter.
- C.** Provider reimbursement. A provider shall be reimbursed by the Administration or a contractor for a service furnished to a member only if the following requirements are met:
1. The provider personally furnishes the service to a specific member.
  2. The service contributes directly to the diagnosis or treatment of an individual member, and
  3. The service ordinarily requires performance by the type of provider seeking reimbursement.
- D.** Professional billing for a pathology service. Unless otherwise specified in a contract, the Administration or a contractor shall reimburse a pathologist for a pathology service furnished to a member only if the other requirements in this Section are met and the service is one of the following services:
1. A surgical and surgery pathology service;
  2. A specific cytopathology, hematology, and blood banking pathology service that requires performance by a physician and is listed in the fee for service fee schedule;
  3. A clinical consultation service that meets the requirements in subsection (E) and is listed in the fee-for-service fee schedule; or
  4. A clinical laboratory interpretative service that meets the requirements of subsection (F) and is listed in the fee for services fee schedule.
- E.** Clinical consultation service. For purposes of subsection (D), a clinical consultation service shall meet the following requirements:
1. Be requested by the member's attending physician.
  2. Relate to a test result that lies outside the clinically significant normal or expected range in view of the condition of the member.
  3. Result in a written narrative report included in the member's medical record, and
  4. Require the exercise of medical judgment by the consultant pathologist.
- F.** Clinical laboratory interpretative service. For the purpose of subsection (D), a clinical laboratory interpretative service shall meet the following requirements:
1. Be requested by the member's attending physician.
  2. Result in a written narrative report included in the member's medical record, and
  3. Require the exercise of medical judgment by the consultant pathologist.

**NOTICE OF PROPOSED RULEMAKING**

**TITLE 9. HEALTH SERVICES**

**CHAPTER 27. ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM  
HEALTH CARE FOR PRIVATE EMPLOYER GROUPS/AHCCCS ADMINISTERED**

**PREAMBLE**

- 1. Sections Affected****Rulemaking Action**  
R9-27-708New Section
- 2. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**  
Authorizing statute: A.R.S. § 36.2912  
Implementing statute: A.R.S. § 36.2912
- 3. A list of all previous notices appearing in the Register addressing the proposed rule:**  
Notice of Rulemaking Docket Opening: 9 A.A.R. 138, January 17, 2003
- 4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**  
Name: Barb Ledder, Federal and State Policy Manager  
Address: AHCCCS  
Office of Policy Analysis and Coordination  
801 E. Jefferson, Mail Drop 4200  
Phoenix, AZ 85034  
Telephone: (602) 417-4580  
Fax: (602) 256-6756
- 5. An explanation of the rule, including the agency's reasons for initiating the rule:**  
AHCCCS is proposing the addition of rule language to further clarify reimbursements to providers.
- 6. A reference to any study relevant to the rule that the agency reviewed and either proposes to rely on in its evaluation of or justification for the rule or proposes not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**  
Not applicable
- 7. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**  
Not applicable
- 8. The preliminary summary of the economic, small business, and consumer impact:**  
AHCCCS anticipates a nominal impact on interested parties.
- 9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:**  
Name: Barb Ledder, Federal and State Policy Manager  
Address: AHCCCS  
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**Notices of Proposed Rulemaking**

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Time: 1:00 p.m.  
Location: AHCCCS  
701 E. Jefferson  
Phoenix, AZ 85034  
Gold Room, 3rd Floor  
Nature: Public Hearing

Date: March 6, 2003  
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110 S. Church, Suite 3250  
Tucson, AZ 85701  
Nature: Video Conference Oral Proceeding

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3480 E. Route 66  
Flagstaff, AZ 86004  
Nature: Video Conference, Oral Proceeding

**11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:**

None

**12. Incorporations by reference and their location in the rules:**

None

**13. The full text of the rules follows:**

**TITLE 9. HEALTH SERVICES**

**CHAPTER 27. ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM  
HEALTH CARE FOR PRIVATE EMPLOYER GROUPS/AHCCCS ADMINISTERED**

**ARTICLE 7. STANDARD FOR PAYMENTS**

Section

R9-27-708.      Payments to Providers

**ARTICLE 7. STANDARD FOR PAYMENTS**

**R9-27-708.**      **Payments to Providers**

The Administration or a contractor shall pay providers under R9-22-714.

**NOTICE OF PROPOSED RULEMAKING**

**TITLE 9. HEALTH SERVICES**

**CHAPTER 30. ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM  
PREMIUM SHARING PROGRAM**

**PREAMBLE**

- 1. Sections Affected****Rulemaking Action**  
R9-30-704New Section
- 2. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**  
Authorizing statute: A.R.S. § 36.2923.01  
Implementing statute: A.R.S. § 36.2923.01
- 3. A list of all previous notices appearing in the Register addressing the proposed rule:**  
Notice of Rulemaking Docket Opening: 9 A.A.R. 139, January 17, 2003
- 4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**  
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Not applicable
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Not applicable
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Location:	AHCCCS 701 E. Jefferson Phoenix, AZ 85034 Gold Room, 3rd Floor
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Nature:	Video Conference Oral Proceeding
Date:	March 6, 2003
Time:	1:00 p.m.
Location:	ALTCS: Arizona Long-Term Care System 3480 E. Route 66 Flagstaff, AZ 86004
Nature:	Video Conference, Oral Proceeding

**11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:**

None

**12. Incorporations by reference and their location in the rules:**

None

**13. The full text of the rules follows:**

**TITLE 9. HEALTH SERVICES**

**CHAPTER 30. ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM  
PREMIUM SHARING PROGRAM**

**ARTICLE 7. PAYMENT RESPONSIBILITIES**

Section  
R9-30-704.      Payments to Providers

**ARTICLE 7. PAYMENT RESPONSIBILITIES**

**R9-30-704.      Payments to Providers**

The Administration or a contractor shall pay providers under R9-22-714.